

**INTERAGENCY COUNCIL FOR CHILDREN AND FAMILIES
PUBLIC REPORT
JANUARY 31, 2005**

I. MISSION AND PURPOSE

On June 17, 2004, the United States District Court for the District of New Jersey ratified New Jersey's Child Welfare Reform Plan, entitled "A New Beginning: The Future of Child Welfare in New Jersey (hereinafter "the Plan"). Among its many component sections is one entitled "Striving for Safety and Permanency in the Courts," which appropriately recognized that "child welfare work is intimately intertwined with the judicial process."¹ Additionally, the Plan articulated two important commitments: (1) bring children's cases to court promptly to help protect children's safety and all parties' rights, and move the cases forward in accordance with applicable standards to achieve permanency for children; and (2) ensure that all parties are treated respectfully in court and that the culture of the courts is appropriate to the presence of children, and to explore innovative court models to improve outcomes for children and families.²

In accordance with those commitments, and in order to facilitate inter-agency compliance, the Interagency Council for Children and Families (ICCF) was created as the entity charged most generally with ensuring timely implementation of the various strategies and benchmarks articulated in this section of the Plan. The ICCF includes the Attorney General; the Administrative Director of the Office of the Courts; the Commissioner of the Department of Human Services, who additionally serves as chair of the ICCF; the Assistant Commissioner of the Division of Youth and Family Services

¹ "A New Beginning: the Future of Child Welfare in New Jersey," p. 133.

² *Id.*

(DYFS); the Public Defender; the Executive Director of the Juvenile Justice Commission and the Child Advocate. Among the ICCF's duties is the issuance of a public report every six months; this document serves as the first of those required public reports.

The Plan additionally requires that the ICCF "monitor the implementation of the strategies and reforms contained within this section via regular meetings and oversight, and eliminate any barriers."³ To ensure the Plan's progress in this regard, the ICCF formed a working subcommittee, staffed by each agency's designated representative, chaired by the Office of the Child Advocate and charged with monitoring the individual and collective progress of the agencies' efforts to fulfill the Plan's mission and purpose, as appropriate.

II. STRATEGIES

The Plan commits to employing 11 strategies to effectuate its purposes, the success of which is dependent upon the commitment of the affected agencies to work both independently and collaboratively, as necessary. The progress of each strategy is noted below:

A. *The ICCF will monitor the action steps and strategies in this section.*

To date, the ICCF subcommittee has met at least monthly since June 2004 to ensure that the provisions of this section of the Plan are timely implemented. Additionally, the subcommittee has utilized a spreadsheet-based monitoring tool, developed by the Department of Human Services (DHS), which has been instrumental in guiding the subcommittee on the various tasks and timeframes associated with each strategy. During the course of its work, the subcommittee raised implementation

³ *Id.*

concerns to the full committee, as necessary, and has reported its progress for inclusion in this public report.

B. Expedite the processing of adoption cases.

i. Hiring

This strategy is largely dependent upon increased hiring, training and cross-training of law guardians, deputy attorneys general (DAsG) and Parental Representation Unit staff. As a threshold matter, it should be noted that any candidate's offer of employment is subject to final approval by the state Department of Personnel.

The Division of Law (DOL) has committed to hiring 54 additional DAsG by July 2005 to represent DYFS. When completed, the full complement of DYFS DAsG will be 149. Two assistant attorneys general also have been assigned to oversee those deputies. Between July 2004 and January 14, 2005, the DOL has hired and sworn in 35 attorneys, and has identified three additional attorneys who have accepted offers. The DOL's commitment to employ this number of attorneys represents unprecedented hiring for the Division, and it continues to interview for the remaining positions. It should additionally be noted that plans are underway to co-locate DAsG and DYFS workers in the same offices, which will greatly increase accessibility to each other and promote effective team-building.

As of January 31, 2005, the Office of Parental Representation (OPR), (formerly known as the Parental Representation Unit (PRU)), has interviewed approximately 93 candidates for new attorney positions and offered employment to 39. OPR has also interviewed for investigator positions, and by March 1, 2005, expects to have hired and placed 11 investigators to work with its attorneys. Six of the eleven investigators are

currently on staff. OPR also expects that six regional offices will be open and operating by April 2005. Most significantly, during the last quarter of 2004, the OPR has transformed from its reliance upon outside “pool” counsel to a system of statewide staff attorneys to ensure the presence of legal counsel for parents from the earliest possible opportunity in a child welfare proceeding.

The Public Defender has also appointed statewide managers for OPR, including a Director of Operations and a Director of Litigation, along with managing and senior attorneys to provide direct representation for OPR’s regional offices. OPR’s goal is to ensure that a staff attorney represents at least one parent in every matter. The Director of Operations will continue to maintain a list of seasoned pool attorneys for cases with multiple defendant parents and manage such trial assignments to ensure timely selection of legal counsel for those cases. In addition to supervising staff trial attorneys, the Director of Litigation also will oversee an appellate section, with attorneys in Newark and Trenton, to handle both direct and interlocutory appeals. To provide the highest quality of advocacy for parents, and to help parents secure services essential to the goal of reunification whenever possible, OPR’s objective is to achieve caseload standards of a maximum of 75 open matters for trial staff attorneys and 30 open matters for appellate staff attorneys.

The Office of the Public Defender has been providing legal representation to children in abuse and neglect cases since 1975. The Office of the Law Guardian (OLG) was established as a separate unit in 1983 to handle such matters. Over the years, the number of law guardians throughout the state has not kept pace with the growing number of children entering our child welfare system due to abuse and neglect. In response, the

OLG has initiated an expansion plan to reduce law guardian caseloads, and to expedite the processing of child welfare matters throughout the state.

Under this expansion plan, OLG will hire an additional 19 trial attorneys and three new managers, thereby reducing attorney caseloads and the scope of supervision. As of January 31, 2005, 12 new law guardians have been hired for trial regions throughout the state, and several additional candidates and two managing attorneys have been approved for hiring. They are expected to begin their employment by the end of February 2005. In addition, 19 investigators will be added to the trial regions, increasing the investigative staff in the trial regions from 48 to 67 statewide. To date, all but two of these positions have been filled, and three supervising investigators have been appointed. In order to achieve the OLG's team approach of one attorney – one investigator, hourly investigators have been and will continue to be hired.

A new appellate section has been created to remove from OLG trial attorneys the routine responsibility of handling appellate proceedings in most cases. This newly created Office of the Law Guardian Appellate (OLGA) will be staffed by a managing attorney and seven attorneys, who will handle appeals and act as liaisons to the trial regions. As of January 31, 2005, an OLGA managing attorney has been appointed, and three staff attorneys have been hired. Three additional candidates have been identified and are pending approval. Upon completion of hiring, the total number of OLG attorneys (trial and appellate) will increase from 51 to 77.

The Office of the Public Defender has secured the space necessary to accommodate additional staff, and anticipates newly acquired space to be available for occupancy by spring 2005. It should be noted that each agency's ability to locate and

finalize office space to accommodate this expedited and significant increase in hiring has been challenging, but is nonetheless progressing.

ii. Training and Cross-Training

DYFS is working with its newly formed Training Academy to cross-train DYFS workers and DAsG and has included, for example, DYFS DAsG in the DYFS workers' Structured Decision Making training (SDM). SDM is a comprehensive case management model which structures critical decision points in the life of a case from intake to closure, and utilizes research-based assessment tools. One session of SDM was jointly presented for DYFS DAsG and LGs. A specialized training curriculum also has been developed and is operational for all DAsG assigned to represent DYFS. This curriculum includes five courses that are delivered on a rolling basis, with the expectation that all new DYFS DAsG will enroll in each course within six months of arrival to the Division. The five courses include: Basic I and II, which review relevant statutes, regulations and policies governing DYFS practice and an overview of DYFS organization; fact finding training, which discusses strategies and evidence requirements in child abuse and neglect cases; guardianship trial training, which discusses strategies and evidence requirements for termination of parental rights cases; and basic evidence. Finally, a manual is provided to each new DYFS DAG, which includes sample forms and practice tips on how to handle various circumstances that commonly arise in the representation of DYFS.

With respect OPD training, all new OPD employees attend an orientation program. Additionally, each OLG attorney and investigator is required to complete an essential skills training program on substantive issues. The essential skills training program is offered in several phases throughout the year. The initial component of the

attorney essential skills training took place on Dec. 2-3, 2004, and the next training day is scheduled for Mar. 10, 2005. The two-day initial essential skills training for new investigators occurred during Jan. 13-14, 2005. OLG attorneys and investigators also are required to attend an annual statewide substantive training program. This past year's program took place on Nov. 22, 2004. OLG staff members also are strongly encouraged to attend the substantive training program, developed by the OPD=s full-time training coordinator and offered throughout the year.

The strategy to expedite the processing of adoption cases also incorporates the work of the Children in Court Improvement Committee's (CICIC) recommendations to the Administrative Office of the Courts (AOC). Much like the efforts of the DOL, DYFS and OPR, the CICIC has committed resources to fund cross-training programs for DAsG, LGs and OPR attorneys. Three particular examples of that commitment include: (1) a statewide conference held in January 2004 for Children in Court judges and staff, DHS, DYFS, Legal Services of New Jersey, Court Appointed Special Advocates (CASA), foster parents, Child Placement Review Board (CPRB) volunteers, the Attorney General's Office, the Office of the Public Defender (OPD), and the Association for Children of New Jersey (ACNJ). Topics included the Child and Family Services Review and the importance of family visitation in dependency cases; (2) two regional conferences, scheduled for May 2005 and sponsored by the Office of the Public Defender, for judges and attorneys assigned to children in court and juvenile cases; and (3) a conference to be held in October 2005, sponsored by Rowan University and funded by the Court Improvement Program, for family court judges and staff, DYFS case workers, CASA, child welfare attorneys, CPRB volunteers, and members of the Court

Improvement Committee to discuss the links between child maltreatment and domestic violence.

The CICIC formed a workgroup to address the appeals process once termination of parental rights has been granted. Members of the workgroup include an Appellate Division judge, a Children in Court judge, a Family Division manager and representatives from the AOC (Family Practice Division and Appellate Division), DHS, the Division of Law within the Office of the Attorney General, and the Office of the Public Defender (Offices of Parental Representation and Law Guardian). This workgroup, which convened its first meeting on Nov. 3, 2004, plans to provide its recommendations to the AOC, which will then forward to the ICCF by March 2005, as required by the Plan.

C. Reorganize the Department of Law and Public Safety's Division of Law to ensure that attorneys representing DYFS in Family Court are specialists in this area of law, are well trained, and are rigorously supervised for practice.

In accordance with this provision of the Plan, the Division of Law was reorganized. A DYFS Practice Group was created with an assistant attorney general (AAG) in charge, and one additional AAG assigned. This Practice Group now includes four sections, each with its own section chief, and the DOL also increased the number of supervising attorneys within each section. The DOL's unprecedented expansion of the number of DAsG representing DYFS has created substantive opportunities, which will enhance supervision of their work and allow closer teamwork with DYFS. The DAsG representing DYFS local offices situated in South Jersey will be sited and supervised from a new location in Camden County, which will facilitate rigorous supervision and easier access between client agency staff and the DAsG assigned to represent them.

Additionally, and as part of the Child Welfare Reform Plan, DYFS and the DOL have formalized conflict resolution protocols, designed to provide more formalized guidance as to decision making authority at different levels in both agencies.

D. Consolidate the Family Court case calendar so parents, attorneys and case workers do not spend unnecessary time in court waiting for their cases to be heard.

The Honorable Ellen L. Koblitz, Chair of the Conference of Family Presiding Judges, had asked each presiding judge to report to the Conference what efforts each vicinage has taken to improve calendar coordination. In particular, judges were asked to report on their consideration of the recommended strategies enumerated in the Plan. Judge Koblitz will share these reports with the CICIC, which, in turn, will evaluate them and make recommendations to the Administrative Director of the AOC, who will ultimately report these recommendations to the ICCF and other stakeholders, as appropriate.

The CICIC contracted with the National Center for State Courts (NCSC) to conduct a federally mandated reassessment to update the initial assessment, completed in 1996 and reported in 1997. On January 18, 2005, the Supreme Court of New Jersey entered an order authorizing NCSC to conduct this reassessment. This reassessment will examine and report on the current strengths and challenges of the dependency court system and its ability to carry out related responsibilities for the protection of children. The NCSC will include the issue of “consolidation of family court calendars” in its reassessment and report its findings. This information will be shared with and reviewed by the CICIC and the AOC, and shared with the Conference of Family Presiding Judges and the ICCF, as appropriate.

E. Deploy video-conferencing technology statewide in Family Courts and DYFS offices so attorneys, experts and caseworkers do not spend unnecessary time in court waiting for cases to be heard.

Implementing video-conferencing statewide is underway. It is a complex task, but an important one because it will minimize time spent waiting in court for attorneys, caseworkers, experts and others. Barriers identified to date to accomplish the goals outlined in this strategy include cost of the necessary equipment, access to equipment and the coordination required to connect remote sites.

In addition to the goal of limiting the time parties wait in court for cases to be heard, the Child Welfare Plan also addresses the internal benefits for DYFS of video conferencing. In fact, DYFS plans to use the video conferencing capability to provide training to all staff, and to improve communication among all areas of DYFS and DHS. DYFS has completed an evaluation of its offices as part of the first phase of this project, and reports that 30 sites at 25 offices have been cleared for installation. To date, seven sites are operational. Circuitry and wiring for the 30 sites is currently in progress. Ten offices will be relocated, therefore alternate plans are being made to accommodate video conferencing at the new locations. Verizon is training the DYFS staff. DYFS has used the functional offices to provide communication from DHS, including messages from the Commissioner of DHS and the Assistant Commissioner of DYFS.

The AOC is exploring the availability of resources in the current state Judiciary budget to expand video-conferencing to five additional family courtrooms. Thus far, Middlesex County has been identified as the pilot county for DYFS and Middlesex Family Court to communicate, but technical issues persist. This pilot program will be monitored to determine its feasibility and use in connection with Children in Court cases.

The DOL has equipment in Newark and Trenton that would enable video conferencing, and has additional plans to include video conferencing at two additional locations.

F. Expedite the processing of abuse and neglect cases.

This strategy focuses on electronic filing or electronic transmission of information. A meeting between the AOC Family Division and the AOC Information Technology Division is scheduled for February 2005 to discuss the scope of this project, associated costs, requirements, obstacles and timelines.

This strategy also requires that the court and DYFS data systems be interfaced so that cases can be tracked, and information can be efficiently shared. DYFS is currently in the process of phasing in the implementation of a new computer system, which will be able to interface with the Court's data system. New Jersey Protective Investigation, Reporting and Information Tool (NJSPIRIT) will enable cases to be tracked and allow information to be shared efficiently. This new system will allow DYFS to share information, such as the address of a resource family parent, with the Judiciary. If this information is shared electronically, it eliminates the current system, which requires DYFS to provide paper submissions of a change of address for a foster child to the Judiciary. This often results in delayed notices of court hearings to resource family parents. The AOC information technology staff has been invited to partner with DYFS staff to design the system and thoroughly integrate both systems.

G. Eliminate Voluntary Placements.

Voluntary placement, often referred to as "informed consent," is a procedure used by DYFS to place children in foster care without having to make application to the court. The procedure includes an extensive agreement (Informed Consent Agreement), which

allows a parent to place a child into foster care voluntarily. Through the Child Welfare Reform Plan, DYFS has determined that all placements regarding child abuse and neglect matters should be conducted through a court process. Thus, in consultation with the AOC, OPD and the Attorney General's Office, DYFS developed a year-long program, which began in October 2004, to eliminate new voluntary placements. Six local DYFS offices stopped accepting Informed Consents in October 2004 (East Orange, Bloomfield, Northern Passaic, Mercer, Camden North and Camden Central); another four local DYFS offices stopped accepting them in November 2004 (Newark I, II, III, and Central Passaic).

DYFS has requested feedback from its internal agency staff, as well as member agencies of the ICCF, to monitor the effects of this strategy's implementation. The Judiciary is evaluating court staffing and judicial needs in collaboration with the OPR, the Law Guardian unit, and the Attorney General's Office. These agencies have met and will continue to meet to address allocation of resources. Finally, DYFS and the AOC will continue to track and provide data on the changes, if any, in the number of DYFS placements, emergency removals, and filings for each vicinage and statewide.

H. Develop mechanisms for DYFS and Probation to collaborate, as appropriate, in cases where they are both involved.

The Probation Services Division within the AOC and DYFS have been working together to develop a Memorandum of Understanding (MOU), which includes various mechanisms for collaboration. The strategies for the coordination of service delivery to families who are involved with both agencies are included in the MOU, including coordination of case planning for clients who are under DYFS supervision and are being monitored by Probation. This coordination aims to end duplication of services provided

by both agencies (for example, substance abuse treatment referrals), as well as coordinate the expectations of both agencies, so that people are not placed in the position of having differing expectations under Probation and from DYFS. This has required no changes to the confidentiality statutes that govern DYFS' records; rather, DYFS and Probation have developed protocols for the exchange of information that satisfy the necessity of client confidentiality. The document will be finalized soon. In addition, DYFS information technology staff, in developing NJSPIRIT, are moving towards electronic interfacing, so the exchange of information can become streamlined.

I. Improve the culture of the courts to better respond to the needs of children and families.

This strategy requires the Judiciary to undertake an assessment of what parents and children experience in courthouses across the State. It also requires training for professionals to increase cultural awareness in dealing with DYFS-involved children and families; recommendations to ensure that parents and foster parents receive proper notice of court dates and an opportunity to be heard during court proceedings; and recommendations to strengthen the role of resource families⁴ in the court process.

The AOC has contracted with Rutgers University School of Social Work, Center for Children and Families to conduct an assessment to accomplish this task, which was approved by the Supreme Court of New Jersey on Jan. 18, 2005. A workgroup of the CICIC will work with Rutgers to develop and oversee the assessment. Members of the workgroup include Children in Court judges, Family Court staff, and representatives from the AOC Family Practice Division, the Child Placement Review Board Advisory Council, CASA, Legal Services of New Jersey, DHS, the Division of Law in the Office

⁴ The term "resource family" is defined in the Child Welfare Reform Plan as all foster and adoptive parents, both those who knew the child before the child's placement ("kin") and those who did not.

of the Attorney General, and the Office of the Public Defender (Offices of Parental Representation and Law Guardian). Rutgers will provide a report to the AOC and to this workgroup which will include findings and recommendations to improve the court's response to the needs of children and families, and will develop a training program based upon those findings.

J. Plan and operationalize alternative and innovative court models across the state.

The Morris/Sussex Family Drug Court (FDC) opened in June 2004. As of Jan. 31, 2005, five families are actively participating in the program. The Robert Wood Johnson Foundation recently approved a three-year grant of \$347,586 to the Judiciary, which will increase the number of families participating in the Morris/Sussex Family Drug Court. Staff provided a program update to the AOC in December 2004, and the AOC plans to meet with FDC staff to assess the program's progress and determine whether continuation of the Morris/Sussex pilot is warranted and whether statewide expansion of Family Drug Courts is appropriate.

K. Take additional steps to ensure effective representation of children and parents in child welfare proceedings.

The Office of the Public Defender currently represents both children through its Law Guardian Unit, and parents through its Office of Parental Representation. OPR has historically provided representation for parents through a small staff of in-house attorneys and private sector pool attorneys. The number of staff attorneys has increased, in accordance with the Plan. The Public Defender's organizational structure provides a firewall, which separates the Law Guardians from the OPR. Nonetheless, the Plan raises the issue of whether a conflict of interest is inherent with the Public Defender providing

representation to both parents and children. To examine whether a conflict exists, the Plan requires independent, expert assessments of and reports on (1) the quality of legal representation of parents, and (2) an identification of any legal conflicts in the organizational structure. Two independent assessments are due in February 2005, and will include recommendations for changes, as appropriate.

III. ENFORCEABLES

In addition to formally endorsing the Plan, the Panel designated certain provisions as legally enforceable. The Court Section of the Plan contains eight “enforceables” – some of which mirror the language of the Plan; each of which has a designated timeframe for completion. The eight enforceables are as follows:

1. Develop a high-level coordinating body, the Interagency Council for Children and Families (ICCF) to oversee and report on court reform efforts. *This has been accomplished.*
2. Eliminate the practice of accepting voluntary placements of children. *The first phase of this enforceable, which was to cease accepting voluntary placements by Dec. 31, 2004 in selected areas of New Jersey, including Essex County, has been completed. As noted in the earlier part of this report, eliminating voluntary placements will proceed on a phased-in schedule.*
3. Provide parents with adequate notice of initial removal hearings. *This enforceable imposes a March 31, 2005 deadline. The ICCF is working towards accomplishing that goal.*
4. Provide resource families adequate notice of hearings involving children in their care. *The AOC submitted to the Panel a plan to accomplish this enforceable on*

Sept. 30, 2004. The Panel responded with comments on Oct. 27, 2004. A revised plan, responsive to the Panel's comments and suggestions, was submitted on January 10, 2005.

5. Take all reasonable steps to complete abuse and neglect proceedings, permanency hearings, and termination of parental rights and adoption cases in accordance with state and federal Adoption and Safe Families Act timelines. *A plan was submitted to the Panel in Dec. 2004, as required.*
6. Provide high quality legal representation to children involved in child welfare proceedings. *This enforceable required, in part, that by September 30, 2004 a plan be developed, subject to Panel review and approval, regarding the caseload standards for Law Guardians and the number of new Law Guardian staff hired to meet this standard. This plan was submitted on time and the Panel provided comments on October 27, 2004. On December 1, 2004, the Public Defender submitted to the Panel a detailed response on behalf of the Office of the Law Guardian. The second part of this enforceable requires that this caseload standard is met for 95 percent of the Law Guardians by September 30, 2005.*
7. Provide high quality legal representation to child welfare agency staff through effective collaboration and coordination with DAsG. *The first part of this enforceable requires that by December 31, 2004, policies concerning working relationships and dispute resolution be revised and adopted. This plan was submitted on time. The remaining two parts of this enforceable are due on June 30, 2005 and September 30, 2005, respectively.*

8. Provide high quality legal representation to parents involved in child welfare proceedings. *The components of this enforceable involve increasing the reimbursement rate for attorneys representing parents, developing a plan to address the quality of legal representation offered to parents and identifying any conflicts of interest or issues. The earliest actions attendant to this enforceable are due on June 30, 2005.*

IV. BENCHMARKS AND SUMMARY

Finally, the Plan incorporates numerous data measures, including baseline data to determine appropriate starting points for measurement, interim and final targets against which to measure progress; and a prescribed methodology assigned to each benchmark to identify the data source that will measure a particular benchmark. Nine benchmarks have been assigned to the Court Section of the Plan:

1. Decrease the number of children currently in care on a voluntary placement agreement;
2. Increase the percentage of new placements made known to the court within five days of placement;
3. TBD Regarding notice to, and attendance of, birth parents, resource parents and other relevant stakeholders to relevant legal proceedings;
4. Increase the percentage of termination of parental rights cases with a disposition within six months from the filing date;
5. Increase the percentage of cases that have had a permanency hearing within legally mandated timeframes;
6. Increase the percentage of cases that have timely fact-finding hearings;

7. Decrease caseload of Deputy Attorneys General who represent DYFS;
8. TBD decreasing caseload of Law Guardians;
9. TBD regarding decreasing time waiting in court.

Because numerous agencies uniquely comprise the ICCF, the mechanisms to share, measure and track data among these agencies, where appropriate, must be developed. An ICCF subcommittee has discussed which agencies are ultimately responsible for achieving the benchmarks enumerated above, including the complex issues surrounding data collection and synthesis. The Department of Human Services formed Reporting and Analysis subcommittees to track each benchmark, identify the appropriate source of the data, record accurate baseline information and oversee related implementation issues.

Finally, the ICCF and its working subcommittee will continue to ensure the timely implementation of the Court Section strategies enumerated in the Plan. The ICCF is scheduled to release its next public report in June 2005.

GLOSSARY OF ACRONYMS

Interagency Council for Children and Families	ICCF
Division of Youth and Family Services	DYFS
Department of Human Services	DHS
Deputy Attorneys General	DAsG
Division of Law	DOL
Parental Representation Unit	PRU
Office of Parental Representation	OPR
Office of the Law Guardian	OLG
Office of the Law Guardian Appellate	OLGA
Law Guardians	LGs
Office of the Public Defender	OPD
Structured Decision Making	SDM
Children in Court Improvement Committee	CICIC
Administrative Office of the Courts	AOC
Assistant Attorney General	AAG
National Center for State Courts	NCSC
Court Appointed Special Advocates	CASA
Child Placement Review Board	CPRB
Association for Children of New Jersey	ACNJ
New Jersey Protective Investigation, Reporting & Information Tool	NJSPIRIT
Memorandum of Understanding	MOU
Family Drug Court	FDC